

AMENDED IN ASSEMBLY MARCH 12, 2009

AMENDED IN ASSEMBLY MARCH 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 117

Introduced by Assembly Members Niello and Ma

January 14, 2009

An act to amend Section 5028 of, *and to add Section 5058.2 to*, the Business and Professions Code, relating to accountants.

LEGISLATIVE COUNSEL'S DIGEST

AB 117, as amended, Niello. Accountants.

Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy in the Department of Consumer Affairs. Existing law ~~authorizes the board to make exceptions from continuing education requirements for licensees not engaged in public practice, or for reasons of health, military service, or other good cause, as specified~~ *prohibits a person or firm from using any title or designation in connection with the designation "certified public accountant" or "public accountant" that is false or misleading. A violation of specified provisions related to the practice of accountancy is a crime.*

This bill would require a licensee ~~subject to that exemption~~ *the holder of an inactive accountancy license*, when using the CPA designation on correspondence, *Internet Web sites*, business cards, name plates, or name plaques, to also specify that he or she is inactive. *Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.* The bill would ~~impose continuing~~

~~education requirements for a failure to make that specification also make a technical, nonsubstantive change to a related provision.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 5028 of the Business and Professions*
 2 *Code is amended to read:*

3 5028. The board may, in accordance with the intent of this
 4 article, make exceptions from continuing education requirements
 5 for licensees not engaged in public practice, or for reasons of
 6 health, military service, or other good cause; provided, however,
 7 that if ~~such~~ *the* licensee returns to the practice of public accounting
 8 he or she shall meet such continuing education requirements as
 9 the board may determine.

10 *SEC. 2. Section 5058.2 is added to the Business and Professions*
 11 *Code, to read:*

12 5058.2. The holder of an inactive license issued by the board
 13 pursuant to Section 462, when lawfully using the CPA designation
 14 on materials such as correspondence, Internet Web sites, business
 15 cards, name plates, or name plaques, shall place the term
 16 “inactive” immediately after that designation.

17 *SEC. 3. No reimbursement is required by this act pursuant to*
 18 *Section 6 of Article XIII B of the California Constitution because*
 19 *the only costs that may be incurred by a local agency or school*
 20 *district will be incurred because this act creates a new crime or*
 21 *infraction, eliminates a crime or infraction, or changes the penalty*
 22 *for a crime or infraction, within the meaning of Section 17556 of*
 23 *the Government Code, or changes the definition of a crime within*
 24 *the meaning of Section 6 of Article XIII B of the California*
 25 *Constitution.*

26 ~~SECTION 1. Section 5028 of the Business and Professions~~
 27 ~~Code is amended to read:~~

1 5028. ~~The board may, in accordance with the intent of this~~
2 ~~article, make exceptions from continuing education requirements~~
3 ~~for licensees not engaged in public practice, or for reasons of~~
4 ~~health, military service, or other good cause; provided, however,~~
5 ~~that such licensee, when using the CPA designation on~~
6 ~~correspondence, business cards, name plates, or name plaques,~~
7 ~~places the term “inactive” immediately after the CPA designation.~~
8 ~~If the licensee returns to the practice of public accounting or uses~~
9 ~~the CPA designation without the term “inactive,” he or she shall~~
10 ~~meet such continuing education requirements as the board may~~
11 ~~determine.~~

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